

4312. Misbranding of ovarian substance desiccated powder. U. S. v. 23 Bottles, etc. (F. D. C. No. 36223. Sample No. 62209-L.)

LIBEL FILED: January 5, 1954, Eastern District of Missouri.

ALLEGED SHIPMENT: On or about April 3, August 12, October 2, and November 16, 1953, from Chicago, Ill., and Omaha, Nebr.

PRODUCT: 23 1-ounce bottles, 2 4-ounce bottles, and 1 16-ounce bottle of *ovarian substance desiccated powder* at St. Louis, Mo., in possession of Narco Drug Co., Inc.

RESULTS OF INVESTIGATION: The product was shipped in bulk to St. Louis, Mo., and after its arrival there, was repackaged and relabeled upon instructions of Narco Drug Co., Inc.

LABEL, IN PART: (Bottle) "Narco * * * Ovarian Substance Desiccated * * * Caution: To be dispensed only by or on the prescription of a physician. Distributed by Narco Drug Co., Inc."

NATURE OF CHARGE: Misbranding, Section 502 (f) (1), the labeling of the repackaged article failed to bear adequate directions for use, and the article was not entitled to any exemption from that requirement. The article was misbranded in this respect while held for sale after shipment in interstate commerce.

DISPOSITION: February 2, 1954. Default decree of condemnation. The court ordered that the product be delivered to the Food and Drug Administration.

4313. Misbranding of Indian Arrow herb preparation. U. S. v. Indian Arrow Herb Products Co., Pedro W. Whitson, and Ruth Whitson. Pleas of guilty entered by individuals. Fine of \$100 against each individual; no sentence imposed against company. (F. D. C. No. 35563. Sample No. 66031-L.)

INFORMATION FILED: December 22, 1953, Southern District of Ohio, against the Indian Arrow Herb Products Co., a partnership, and Pedro W. Whitson and Ruth Whitson, partners in the partnership.

ALLEGED SHIPMENT: On or about February 6, 1953, from the State of Ohio into the State of Illinois.

LABEL, IN PART: (Bottle) "Indian Arrow Herb Preparation Laxative Stomachic Contains the following active herb ingredients: Mayapple Root, Cascara Segrada Bark, Blacksnake Root, Bitter Root, Wild Cherry Bark, White Ash Bark, Wahoo Bark, Chamomille Herb, with Sarsaparilla Root, Elm Bark, Sugar, Caramel added for flavor and color and water * * * Contents 8 Fluid Ounces Prepared By Indian Arrow Herb Products Company P. W. Whitson, Herbalist 1559 Central Ave. Cincinnati (14), Ohio."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article, consisting of a letter dated February 12, 1953, were false and misleading. The statements represented and suggested that the article would be an adequate and effective treatment for all forms of rheumatics, tuberculosis, blood disorders, kidney and liver afflictions, syphilis, and tumors. The article would not be an adequate and effective treatment for such diseases and conditions.